


OCT 06 2005

DECLARATION OF DR. EUGENE M. WOLF

I, Dr. Eugene M. Wolf, of 55 Montacito Road, San Rafael, California, hereby declare that I received a M.D. from The Universite de Bordeaux in France and have been practicing shoulder replacement surgery for 20 years. I am extensively familiar with this medical field. I also have many colleagues that practice big toe implant surgery including Dr. Glen Pfeffer. A big toe implant surgery is a vastly different procedure than a shoulder replacement due to differences in the anatomy of the joint involved. Specifically, they are different joints with different biomechanics and different surgical approaches. As a result, there are doctors who specialize in the field of foot and ankle surgery performing big toe implants and those who specialize in the field of shoulder surgery who perform total shoulder arthroplasty, and these groups of medical professionals are generally non-overlapping.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made upon information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

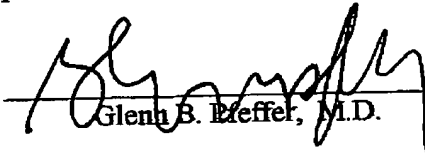
  
Eugene M. Wolf, M.D.

  
Date

DECLARATION OF DR. GLENN B. PFEFFER

I, Dr. Glenn B. Pfeffer, of 3000 California Street, San Francisco, California, hereby declare that I received a M.D. from University of Pennsylvania in 1980 and have been practicing Foot and Ankle Surgery and big toe implant surgery for 15 years. I am extensively familiar with this medical field. I also have many colleagues that practice shoulder replacement surgery including Dr. Eugene M. Wolf. I agree with Dr. Wolf that a big toe implant surgery is a vastly different procedure than a shoulder replacement due to differences in the joint involved. As Dr. Wolf has stated, they are different joints with different biomechanics and different surgical approaches. As Dr. Wolf noted, the anatomy and surgical approaches of the joint of the big toe and the shoulder are very different. As a result, I agree with Dr. Wolf that there are doctors who specialize in the field of big toe implant surgery and those who specialize in the field of shoulder replacement surgery, and these groups of medical professionals are generally non-overlapping.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made upon information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

  
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Glenn B. Pfeffer, M.D.

2/18/05  
Date